

Application No. 09/342,801  
Amendment "A" dated October 8, 2004  
Reply to Office Action mailed April 9, 2004

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**REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed April 9, 2004. Claims 4, 6, 12-17, 24-27, 63 and 66-68 are cancelled, claims 18-23, 28-32 are withdrawn. No new claims are added. Claims 1-3, 5, 7-11, 33-62 and 64-65 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

**I. Allowed Subject Matter**

The Examiner's allowance of claims 1-3, 5, 7-11, 33-62 and 64-68 is appreciated. It is noted that the Examiner has also allowed claims 6 and 63, however, these claims were cancelled in an earlier Amendment. Applicant believes that allowance of these claims was a typographical error. Applicants wish to thank the Examiner for the careful review and allowance of the properly allowed claims.

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## II. PRIOR ART REJECTIONS

### A. Rejection Under 35 U.S.C. §102(e)

The Examiner rejects claims 12, 14-17, 24-27, 66-68 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by *Nemoto et al.* (United States Patent No. 6,025,213).

In the interests of advancing the case to allowance, each of those claims is cancelled, and the rejection is now moot. In that regard, it is noted that Applicants do not concede that those claims are anticipated by the cited art, and reserve the right to pursue the subject matter of the cancelled claims in one or more continuation applications.

<sup>1</sup> Because *Nemoto* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Nemoto* is in fact prior art to the claimed invention but reserve the right to swear behind *Nemoto* if necessary to remove it as a reference.

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### CONCLUSION

In view of the foregoing Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 8 day of October, 2004.

Respectfully submitted,



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